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85175-102/MRW

**FACSIMILE COVER LETTER**

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**NAME: Commissioner of Patents – Examiner CHUNDURU Art Group 1637**

**FROM: Ade & Company – Michael Williams**

**TOTAL NUMBER OF PAGES 6 INCLUDING THIS COVER LETTER.**

**DATE: November 20, 2002**

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**RE: United States Patent Application no: 09/720,206  
Nonsymbiotic plant hemoglobins to maintain cell energy status .  
Guy et al.  
EXAMINER – Suryaprabha Chunduru GROUP 1637**

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**Response to Notice of Action dated August 21, 2002**

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**OPERATOR: Michael Williams**

EXAMINER           Suryaprabha Chunduru  
GROUP             1656  
APPLICANT         Guy et al.  
SERIAL NO:         09/720,206  
FILED             May 3, 2001  
FOR                NONSYMBIOTIC PLANT HEMOGLOBINS TO MAINTAIN  
                     CELL ENERGY STATUS

Commissioner of Patents  
Washington, D.C., 20231  
U.S.A.

Dear Sir:

Responsive to the office action dated August 21, 2002:

In the Claims:

Claims 28-38 are of record in this case.

Claims 28-38 stand rejected.

REMARKS:

A new declaration in compliance with 37 CFR 1.67(a) is being executed by the inventors and will be submitted along with the required fee shortly. We apologize for any inconvenience caused the examiner for the delay in supplying this document.

Claims 28-38 were rejected under 35 USC 103(a) as unpatentable in view of Andersson (PNAS 93: 5682-5687) and Bailey (WO 98/12913). Specifically, the Examiner has taken the position that Andersson discloses that nonsymbiotic hemoglobin levels were higher in root elongation, cotyledons and stem and that